THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 24919 OF 1997

Dated 9th March, 2007

Between:

V.Narsingarao and others.

…Petitioners

And

District Collector, Vizianagaram and others.

…Respondents.

ORAL ORDER:

In this writ petition, the petitioners seek a writ of mandamus to declare the action of the respondents in transferring the land admeasuring Ac 6.01 cent situated in Survey No. 107/2 (old) corresponding to new Sy.No.121 of Kanimeraka village in favour of the 4th respondent, as illegal and arbitrary.

In the affidavit filed in support of the writ petition, it is stated that the land is an inam land governed by the provisions of the Andhra Pradesh (Andhra Area) Inams (Abolition and Conversion into Ryotwari) Act, 1956 (for short "the Act"). It is stated that on their applications, the Inam Deputy Tahsildar enquired into the matter and granted them ryotwari pattas in Form-VIII under Rule 7 of the Rules framed under the Act. It is the grievance of the petitioners that though they were granted ryotwari pattas, the said land was transferred in favour of the Gram Panchayat and the Sarpanch of the village was taking steps to conduct open auction for fishing rights.

Though the writ petition is of the year 1997, no counter affidavit is filed. But, however, on instructions, it is submitted by the learned Government Pleader appearing for the respondents that the land in question is a tank poramboke with an ayacut of Ac.17.15 cents. It is further stated that ryotwari pattas were not issued in favour of the petitioners.

Though the Andhra Pradesh (Andhra Area) Inams (Abolition and Conversion into Ryotwari) Act, 1956 was enacted in the year 1956, but, however, by subsequent amendment i.e. Act No.3 of 1960, Section 2-A came to be added to the said Act. As per the said Section, notwithstanding anything contained in the Act, all

communal lands, porambokes, grazing lands, waste lands, forest lands, mines and quarries, tanks, tank-beds and irrigation works, steams and rivers, fisheries and ferries in the inam lands shall stand transferred to the Government and vest in them free of all encumbrances. If the said land is a tank poromboke, by operation of the provision under Section 2-A of the Act, it vests with the Government. Though it is the case of the petitioners that they were granted ryotwari pattas, no copies of such pattas are filed in proof of their claim and though they alleged that the subject land was transferred to the Gram Panchayat during the year 1997, no proceedings of transfer have also been filed. Therefore, as much as, now, it is stated that it is a tank poromboke and in the absence of any proof of grant of ryotwari pattas as pleaded by the petitioners in their favour, no direction can be granted as sought for by the petitioners in the writ petition. However, if the petitioners dispute that the subject land is not tank poromboke, it is open for the petitioners to move appropriate application as per the provisions of Andhra Pradesh (Andhra Area) Inams (Abolition and Conversion into Ryotwari) Act, 1956.

Subject to above observation, the writ petition is dismissed. No costs.

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9-3-2007

R.SUBHASH REDDY, J.

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